IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital the 27th day of July 2005

II Bail Application no. 460 of 2005

Order on the Bail application of accused.

CRIMINAL SIDE

Devendra S/o Sri Ram Nath,
R/o village Dapeda Garhi,
Police Station Jhin Jhana,
District Muzffarnagar
Presently R/o House of Randhir Singh,
Mohalla Nath Nagar, Jwalapur,
P.S. Jwalapur, Distt. Haridwar. ------Accused/Applicant.

Versus

State of Uttaranchal -------Opposite party

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Arising out of Case Crime no. 48 of 2003
U/S 18/20 N.D.P.S. Act.
Police Station Jwalapur
District Haridwar.

BY THE COURT

Hon'ble M.M. Ghildiyal J.

Heard Sri Navneet Kaushik, learned counsel for the accused/applicant and learned A.G.A.

This is II Bail Application moved by the accused/applicant in case crime no. 48 of 2003 under Section 18/20 NDPS Act P.S. Jwalapur, Haridwar. This Court on 03.12.2003 has rejected the first bail application of the applicant. In this II bail application the applicant has come up with the case that the mandatory provisions of Section 45, 50 & 100 of the N.D.P.S. Act have not been complied with by the Arresting Officer; that he in judicial custody since 11.02.2003; that while rejecting the I Bail Application, this Court directed the trial Court to conclude the trial as expeditiously as possible but till date not even a single witness has been examined.

Keeping in view the prevailing circumstances, it would be justified if the applicant may be enlarged on bail.

Let the accused/applicant, namely, Devendra S/o Sri Ram Nath be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of III F.T.C./Addl. Sessions Judge/Special Judge (N.D.P.S. Act), Haridwar.

July 27, 2005: **(M.M. Ghildiyal, J.)**

NCM